

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPEALALTE SIDE

WRIT PETITION NO.10623 OF 2004

Nasir Khan Bashir Khan. ...Petitioner.

Vs.

Shebano Widow of Abdul Ali Khemji

Bottawala & Anr. ...Respondents.

.....

Mr.Anita A.Agarwal for the Petitioner.

Mr.Mohan Pungalia for Respondent No.2.

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CORAM : DR.D.Y.CHANDRACHUD, J.

July 6, 2006.

P.C. :

Admittedly the tenancy stood in the name of the husband of the First Respondent and the father of the Second Respondent. The agreement dated 1st July 2000 which was entered into between the First Respondent and the Second Respondent and the husband of the Second Respondent is not of a description which would fall under Section 55 of the Maharashtra Rent Control Act, 1999. Under

Section 55(1) an agreement for leave and licence or letting out of any premises entered into between the landlord and the tenant or the licensee, as the case may be, after the commencement of the Act has to be in writing and requires registration. The agreement dated 1st July 2000 was not of that description and the suit for declaration was correctly rejected. A case for interference under Article 227 of the Constitution is not made out. The Petition is dismissed.

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